

UNITED STATES DISTRICT COURT

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS			
<p>UNITED STATES OF AMERICA</p> <p>VS</p> <p>AN ARTICLE OF DEVICE CONSISTING OF ONE DEVICE, MORE OR LESS, LABELED IN PART:</p> <p>"DIAPULSE MODEL D101 Serial No. 8644 *** DIAPULSE MANUFACTURING CORPORATION OF AMERICA NEW YORK CITY ***"</p> <p>AND ALSO INCLUDING AN ITEM OF WRITTEN, PRINTED AND GRAPHIC MATTER RELATING TO THE ARTICLE, AND CONSISTING OF A FOLDER ENTITLED "A CONTINUAL SEARCH" AND "DIAPULSE CORPORATION OF AMERICA", WHICH CONTAINS NEWSLETTERS DATED MARCH, 1968</p>				<p>For plaintiff:</p> <p>Nathan G. Graham, US Atty Jack M. Short, Asst. US Atty 460 US Courthouse Tulsa 74103</p> <p>For defendant:</p> <p>Rooney McInerney Blackstock Joyce Pollard & McInerney 1304 Petroleum Club Bldg. Tulsa, Okla. 74119 585-2751</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 4-1-73	Clerk	7-11-73	McInerney	29 64			
J.S. 6 mailed 8-1-73	Marshal	7-12-73	C.D.No.58		29 64		
Basis of Action: Forfeiture	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-15-73	Complaint for forfeiture, filed. hm	
3-19-73	Order, filed, for Warrant of Arrest of Property and for Notice. Ordered that the US Marshal for ND of Okla., seize & arrest the captioned article of device and literature relating thereto. Further Ordered that the US Marshal serve such Warrant of Arrest & Complaint for Forfeiture on all parties known to be interested, particularly Leon Anderson. (AEB-J)v -copies mailed. <i>to US atty</i>	
3-28-73	Notice filed by govt. h	
3-29-73	Marshal's Return on Warrant for Arrest of Property, filed. Picked up Diapulse machine 3-28-73 and etc. 3-21-73 (USM fee \$11.64)jj	
4-2-73	Claim of Dr. Leon Anderson as owner of Diapulse Machine, filed. jj	
4-20-73	Appl. for Order to Extend Time to Plead or Answer, filed by Claimant, Dr. Leon Anderson. v	
4-23-73	Order extending time 30 days from 4-21-73 for deft. to plead or answer, filed. (AEB-J)g cpies mailed.	
4-26-73	Proof of Publication, filed. jj	
7-10-73	and entered Consent Decree of Condemnation, filed/ Ordered that said articles are misbranded in violation of 21 USC 352(a), & (f)(1), and therefore are condemned pursuant to 21 USC 334(a). Ordered that USA shall recover from claimant court costs & fees, in sum of \$29.64. Further ordered that said articles are to be forfeited to USA & to U.S. Marshal who is ordered to destroy said article. Claimant and U.S. Atty. consented to said order. (AEB-J)v -copies mailed.	
7-13-73	Consent Decree of Condemnation return filed. Destroyed machine by by busting the working parts & putting remains in the dump. jj	